IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2861 OF 2005

Vijay Charan Binawat & Anr. ...Applicants

Versus

The State of Maharashtra ...Respondent

.....

Mr.Jayesh B.Kocheta for Applicants.

Mr.K.V.Saste, A.P.P. for the Respondent.

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CORAM: A.M.KHANWILKAR, J.

MAY 2, 2005.

P.C.

1. Heard Counsel for the parties. Perused the record.

2. The Applicants have been arrested in connection with offence registered with Haveli Police Station, Pune being C.R.No.348 of 2004. The Applicant No.1, it is alleged, was driving the motorcycle and Applicant No.2 was pillion rider. The Applicant No.2 initiated the quarrel by hitting

at the front glass of the jeep driven by the injured. Insofar as Applicant No.2 is concerned, however, he has not been identified by the eye-witness to the incident. In other words, there is no evidence to corroborate the fact that the Applicant No.2 had participated in the offence as such. Prima facie, therefore, Applicant No.2 has made out arguable case, for which reason, he is entitled for bail.

3. However, insofar as Applicant No.1 is concerned, he has been identified by the prosecution witness as driver of the motorcycle and also having assaulted the injured. In other words, there is evidence to indicate complicity of the Applicant No.1 and the participation of Applicant No.1 is corroborated on account of identification by the prosecution witness. Accordingly, so far as Applicant No.1 Vijay Charan Binawat is concerned, his prayer for bail ought to be rejected. The same is rejected.

4. Applicant No.2 Anil Shahu Kasbe is directed to be released on bail on the following

conditions:

(a) Applicant No.2 is directed to be released on bail in connection with C.R.No.348 of 2004 registered with Haveli Police Station, Pune, on executing personal bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with one or two local sureties in the like amount.

(b) Applicant No.2 shall not influence the prosecution witnesses nor shall tamper with the prosecution evidence in any manner whatsoever.

(c) Applicant No.2 shall report to the Investigating Officer once in a month till the commencement of the trial, on 1st Sunday of every English Calender Month between 10.00 a.m. to 2.00 p.m.

(d) Applicant No.2 shall co-operate for the early disposal of the trial. If the Trial Court is of the opinion that the Applicant No.2 is, in any manner, responsible for causing delay in disposal of the trial, that fact be recorded in the Roznama,

which can be a ground for cancellation of bail.

5. As prayer for bail is rejected insofar as Applicant No.1 is concerned, the Sessions Judge, Pune is directed to assign the case to the Fast Tract Court so as to ensure early disposal of the trial. In case, it is not possible to assign the case to the Fast Track Court, the concerned Judge to dispose of the trial as expeditiously as possible as High Court Expedited Case.

6. The Applicants before this Court, shall co-operate for the early disposal of the trial. In the event, the Trial Court is of the opinion that the Applicants are, in any manner, responsible for causing delay in disposal of the trial, that fact be recorded in the Roznama, which will be reckoned as and when occasion arises.

7. Application disposed of on the above terms.

A.M.KHANWILKAR, J.